IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.3419 OF 2004

Kisan Saeen Jadhav, .. Applicant

Vs

State of Maharashtra, .. Respondent

Mr. Vishwanath Talkute, for the applicant.

Mr S.R.Shinde, APP for the respondent.

CORAM : D.B.BHOSALE,J.

DATE : 16th AUGUST, 2004.

PC:

1. Heard Mr.Talkute, learned counsel for the applicant and Mr.Shinde, learned A.P.P for the respondent.

2. The applicant has approached this Court for being released on bail in C.R.No.20/2004 registered at Phaltan police station under section 376 of Indian Penal Code. It is the prosecution case that the applicant allegedly committed rape on the prosecutrix under the pretext that he would marry her. I have perused a statement of the prosecutrix wherein she has stated that after midnight she left her house and went to the applicant and when a sexual assault was being committed by the applicant both were caught by her grand-father. Considering the statement of the prosecutrix, her age and the age of the applicant, and that the applicant desires to pursue his

education, I am inclined to enlarge him on bail.

3. The applicant is directed to be enlarged on bail on his furnishing a personal bond of Rs.10,000/- with one or two sureties of the like amount to the satisfaction of the trial Court subject to the condition that the applicant shall not enter within the jurisdiction of Munjawadi village without prior permission of the investigating officer. The applicant, who desires to pursue his education at Bhavaninagar, taluka-Baramati, shall keep informed his address to the concerned police station of the place where he proposes to stay after his release on bail and shall report to the nearest police station from the place of his residence on every Wednesday between 6 am and 7 pm until the conclusion of his trial.

. While allowing this application, I shall not be understood to have expressed any opinion on merits of the case. The Sessions Court shall decide the case uninfluenced by the observations made in this order.

(D.B.BHOSALE, J.)